IN THE CLAIMS:

Claims 17-24, 31-35 and 52-71 are pending. Claims 17-24, 31-35, 52-55 and 59-71 are acknowledged as generic and, if allowed, would entitle applicants to consideration of the claims not elected in this response.

The application has been subjected to the following species election:

Group 1 consists of the active component present in the urine fraction that elutes with an approximate molecular weight of 15-58 kilodaltons (dependent claim 56).

Group 2 consists of the active component present in the urine fraction that elutes with an approximate molecular weight of 1-15 kilodaltons (dependent claim 57).

Group 3 consists of the active component present in the urine fraction that elutes with an approximate molecular weight of less than 1 kilodalton (dependent claim 58).

Applicants provisionally elect Group 3, with traverse. Claims 17-24, 31-35, 52-55, and 58-71 read on Group 3.

Assuming that the different active compounds are independent and patentable over one another, a "reasonable number" of species may still be included in one application. *See*, 37 C.F.R. § 1.141(a). In order for this provision of Rule 141 to apply, however, the application is to include an allowable claim generic to all claimed species and all claims to species in excess of one are to be written in dependent form or otherwise include all the limitations of the generic claim. *Id.*

With respect to the species election for the pulmonary surfactant, all claims but 56 through 58 are believed to be "generic", and these claims all depend from generic claim 55.

With respect to the question whether a reasonable number of species is included, only claims 56-58 are drawn to the species since claims 17-24, 31-35, 52-55 and 59-71 are acknowledged to be generic. Thus, each group of the current restriction consists of a single claim directed to a species and the generic claims. Applicants submit that examination of the generic claims is required and inclusion of the three distinct species should not place a serious burden on the Examiner. Applicants would respectfully submit that examining three species should be reasonable on its face as the search conducted for the generic claims should uncover art relating to the various species.

Further, as "there are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The first is that the inventions must be independent ... or distinct as claimed ...; and (B) There must be a serious burden on the examiner if restriction is required ...." (citations omitted). M.P.E.P., § 803. Applicants would note that no explanation has been provided "of separate classification, or separate status in the art, or a different field of search ....", and would request reconsideration on that further ground. *Id.*